

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

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In re:)	
)	
NEW ENGLAND CONFECTIONERY)	
COMPANY, INC.,)	
)	
Debtor)	Chapter 11
)	Case No. 18-11217-MSH
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**APPLICATION FOR AND CERTIFICATE OF
APPOINTMENT OF CHAPTER 11 TRUSTEE
(WITH CERTIFICATE OF SERVICE)**

Pursuant to 11 U.S.C. § 1104(a) and Fed. R. Bank. P. 2007.1, the United States Trustee: i) moves the Court to approve Harold B. Murphy, Esq. to serve as chapter 11 trustee (“Trustee”) for New England Confectionery Company, Inc. (“Debtor”); and ii) subject to Court approval, certifies Murphy’s appointment as Trustee.

In support, the United States Trustee says:

On April 19, 2018, the Court granted the United States Trustee’s oral motion to appoint a chapter 11 trustee in the Debtor’s case. 11 U.S.C. § 1104. *Docket #59*.

The United States Trustee seeks to appoint Mr. Murphy as Trustee.

To the best of his knowledge, the United States Trustee is not aware that Mr. Murphy has any connections with the Debtor, creditors, any other parties in interest, their respective attorneys and accountants, the United States Trustee or any persons

employed in the Office of the United States Trustee, except as set forth in the verified statement that Mr. Murphy will forthwith file with the Court.

On April 19, 2018, the undersigned attorney for the United States Trustee spoke with counsel for the Debtor (Scott H. Moskol, Esq. and William V. Sopp, Esq.), Americraft Carton, Inc. (Charles M. Waters, Esq.), Genpro, Inc. (Jeanne P. Darcy, Esq.), Ungermans Packaging Solutions (John J. Dussi, Esq.) and ACAS, LLC (Daniel C. Cohn, Esq.), regarding possible candidates for chapter 11 trustee, including Mr. Murphy.

For these reasons, the United States Trustee requests that the Court indicate its approval of Mr. Murphy appointment as Trustee by executing this Application in the space below.

Respectfully submitted,

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE
REGION 1

By: /s/ Eric K. Bradford
Eric K. Bradford BBO#560231
United States Department of Justice
John W. McCormack Post Office
& Courthouse
5 Post Office Square, 10th Floor, Suite 1000
Boston, MA 02109-3934
PHONE: (617) 788-0415
FAX: (617) 565-6368
Eric.K.Bradford@USDOJ.gov

Dated: April 20, 2018.

The bond for Mr. Murphy is set at \$1,000,000.

Mr. Murphy is directed to file a verified statement per Fed. R. Bankr. P. 2007.1 on or before April 26, 2018.

Mr. Murphy is further directed to file a written report per 11 U.S.C. § 1106(a)(3) and (4) and to serve the same on the Court, the United States Trustee and all parties who have filed an appearance on or before May 31, 2018.

Mr. Murphy may retain professionals, if he determines that doing so is necessary to discharge his duties, with such retention to be subject to Court approval per 11 U.S.C. § 327. The Trustee and any professionals retained by him per any order of this Court shall be compensated and reimbursed for their expenses per 11 U.S.C. § 330.

The Trustee shall fully cooperate with any government agencies including, but not limited to, any federal, state or local government agency that may be investigating the Debtor, its management or its financial condition.

All parties are directed to fully cooperate with the Trustee in connection with the performance of any of the Trustee's duties and the investigation.


APPROVED:

HON. MELVIN S. HOFFMAN
United States Bankruptcy Judge

Dated: April __, 2018.

TRUSTEE'S ACCEPTANCE

Harold B. Murphy, Esq. of Murphy and King, One Beacon Street, Boston, MA 02108, accepts the foregoing appointment as Trustee for the Debtor and the duties and responsibilities of the Trustee and obligates himself and his sureties under the terms of the bond to be filed with the United States Bankruptcy Court.



Harold B. Murphy

Dated: April 19, 2018.

CERTIFICATE OF SERVICE

I certify that on April 20, 2018, true and correct copies of the foregoing certificate were served via CM/ECF only upon the individuals who have filed notices of appearance in the Court's CM/ECF database.

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE
REGION 1

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